

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

MARY MORGAN, *et al.*,

Plaintiffs,

V.

**RICHMOND SCHOOL OF HEALTH AND
TECHNOLOGY, INC.,**

Defendant.

Case No. 3:12-cv-373-JAG

MOTION TO DISMISS

Defendant Richmond School of Health and Technology, Inc. (“RSHT”), by counsel, for its Motion to Dismiss pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, states the following:

1. Count I of the Second Amended Class Action Complaint fails to state a claim against RSHT under the Equal Credit Opportunity Act (“ECOA”), 15 U.S.C. § 1691(a)(1), for the reasons stated more fully in the memorandum of law filed herewith.

2. Count II of the Second Amended Class Action Complaint fails to state a claim against RSHT under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, for the reasons stated more fully in the memorandum of law filed herewith.

3. Pursuant to Fed. R. Civ. P. 12(b)(1) and 28 U.S.C. § 1367(c)(3), because the Second Amended Class Action Complaint fails to state an actionable federal claim in Counts I or II, this Court should dismiss both federal claims and decline to exercise supplemental jurisdiction over Plaintiffs' remaining state law claims.

WHEREFORE, Defendant Richmond School of Health and Technology, Inc. prays that

this Honorable Court enter an Order which grants its Motion to Dismiss, and dismisses this action for failure to state a claim and for lack of federal question or supplemental jurisdiction. RSHT further requests a hearing and opportunity to present oral argument in support of the instant motions.

RICHMOND SCHOOL OF HEALTH AND
TECHNOLOGY, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of June, 2012, I filed the foregoing MOTION TO DISMISS with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to any filing user.

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